IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9033 OF 2007

Ms.Jenny Fernandes & Ors. .. Petitioners

Versus

Mrs.Latifa M. Shaikh .. Respondent

Mr.S.P.Shrivastava for petitioner

CORAM : S.C.DHARMADHIKARI, J.

DATE : 10th December 2007

P.C.

. There is no reason to interfere with the order passed by the Executing Court. However, since parties are agreeable to have the issue, of decree being executable or enforceable on the basis that the suit premises are slum area or

not, tried by the Executing court. The said court to frame the additional issue in the following terms:-

> "Do the petitioners/obstructionists prove that subject decree is not executable and enforceable because the suit premises are situate in a slum area and have been notified as such by the authorities?"

2. This order is passed in the light of the stand taken by the decree holder in reply to the said application.

3. However, the impugned order insofar as further aspects are concerned, does not require any interference. Petition dismissed subject to the above issue and modification.

(S.C.Dharmadhikari, J)